

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD DUWAYN DOBKINS,

Plaintiff,

v.

CV 08-796 JP/RLP

WILLIAM F. LANG, CAROLYN LEWIS,
ROBIN JONES, NANCY ABEYTA,
CHARLES SANCHEZ, VIOLET C. OTERO,
and NEW MEXICO ATTORNEY
GENERAL'S OFFICE,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court on Plaintiff's motion for appointment of counsel (docket no. 12), filed October 6, 2008. Factors the Court weighs when considering a motion for appointment of counsel in a civil rights case include "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'" Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995) (quoting Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991)). The Court has reviewed the complaint and subsequent pleadings in light of the foregoing factors, and, though Plaintiff's papers may be "inexpertly drawn," Pyle v. Kansas, 317 U.S. 213, 216 (1942), Plaintiff appears to understand the issues in the case and to be representing himself in an intelligent and capable manner. See Lucero v. Gunter, 52 F.3d 874, 878 (10th Cir. 1995). Accordingly, the Court having reviewed the complaint in light of the foregoing factors finds that Plaintiff understands the issues in the case and appears to be representing himself in an intelligent and capable manner. Consequently, it is hereby recommended that the motion for

appointment of counsel (docket no. 12) filed October 6, 2008, should be **DENIED**.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 10 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the ten day period if that party wants to have appellate review of the Proposed Findings and Recommended disposition. If no objections are filed, no appellate review will be allowed.** This case will be referred to the Pro Se Civil Litigants Committee for further review.



UNITED STATES MAGISTRATE JUDGE